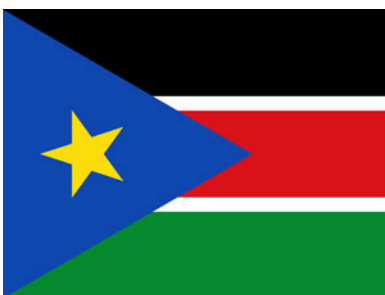


SOUTH SUDAN HUMAN RIGHTS MONITOR

30 September 2019

This report is based on the work of internationally trained local monitors on the ground in South Sudan working for a national human rights organization. Both these monitors and the organization must remain anonymous given present security concerns. The information reported meets the threshold for initiating an investigation. There is a reasonable basis to believe that the following incidents occurred.



INTRODUCTION

Civilians in South Sudan continue to be displaced and suffer from widespread human rights abuses and crimes, including sexual and gender-based, political, and ethnic violence. These human rights violations and crimes have been ongoing since the beginning of the conflict in South Sudan. During this reporting period, local monitors working anonymously in the Northern and Southern Liech States (Unity States), Jubek and Yei River States (Central Equatoria), Central Upper Nile State (Upper Nile State), and Wau State (Western Bahr el Ghazal) have detailed at least 15 human rights abuses and crimes against civilians, including incidents of rape, sexual violence, killing, torture, abduction, ill-treatment, forced disappearance, forced displacement, and arbitrary arrest and detention. Our last Newsletter covered events that occurred between 1 March to 30 June 2019. This Newsletter addresses incidents recorded by local monitors from 1 July to 30 August 2019.

In our last Newsletter, we noted that all South Sudanese parties had unanimously agreed to a six-month extension of the pre-transition period for the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (Revitalized Agreement), dated 12 September 2018. This extension meant that the new deadline for implementation of the Revitalized Agreement is November 2019. However, during the first few months of the extended pre-transition period, limited progress on the implementation of the Revitalized Agreement has been made, notwithstanding advances towards the fulfilment of pre-transition tasks, such as the submission of the report of the Independent Boundaries Commission, the drafting of key legislation, and planning for the transitional security arrangements.

The humanitarian situation in South Sudan also remains dire, with 7.2 million people in need of assistance. While there has been an

overall reduction in the level of conflict, numbers of internally and externally displaced persons remain static, as does return movement (1.83 million internally

displaced persons and 2.31 million refugees from South Sudan). Furthermore, as documented by the local monitors, tensions between government and

opposition forces persist, violence against civilians is ongoing, and serious human rights violations continue to cause suffering.

METHODOLOGY

This report is based on the work of monitors on the ground in South Sudan working for a local human rights organization. Both these monitors and the organization must remain anonymous based on an assessment of security concerns. These monitors received training from two international human rights organizations on monitoring, reporting and documentation before they began their work. With consistent feedback and guidance from the international partners, the monitors document violations and/or crimes in their own communities and the surrounding areas. This Newsletter is based on individual interviews with victims, witnesses and others with knowledge of the events. Unless otherwise noted, the

sources of all information in this report are individual statements. We have sought, where possible, to corroborate the information provided therein to ensure its reliability and authenticity. Thus, the incidents reflected herein are limited to information that supports a reasonable basis to believe that the incidents occurred as reported. We are aware that many other organizations are also monitoring the human rights situation in South Sudan.

Even assuming that reporting is occurring at its highest, the aggregate level of reporting does not likely represent the extent of human rights violations and/or crimes in South Sudan given the scope and magnitude of the incidents. In addition, a significant amount of reporting is not made

public. Our reporting, therefore, is intended to complement existing public reporting, for example, by CTSAMM and U.N. Human Rights Council, Report on the Commission on Human Rights in South Sudan (Commission's Report), Report of the U.N. Secretary General, Situation in South Sudan, and the U.N. Security Council Panel of Experts of South Sudan, with the view of ensuring a more complete and public representation of the human rights situation in South Sudan.

The primary temporal period of this report includes incidents that were committed from 1 March to 30 June 2019. Additional relevant incidents outside of the temporal scope noted above, are also included.

INCIDENTS

Unity States (Northern and Southern Liech States)



In the previous Newsletter, it was noted that the adoption of the Revitalized Agreement did not have great impact in the former Unity States, particularly the Bentiu area, and that this area appeared to be under the control of Sudan People's Liberation

Army (SPLA) and applied SPLA-IO (TD) forces. It was also reported that criminal activities, especially high levels of conflicted-related sexual violence, persisted. During the current reporting period, this appears to still be the case.

The U.N. Secretary General stated that more than 70 persons were killed in critical incidents that occurred across state borders between Unity and Warrap and between Warrap and Wester Bahr el-Ghazl. It is expected that the numbers may be even higher due to underreporting.

Local monitors reported the following incidents of rape:

- On 22 July 2019 at approximately 10:00 p.m., three or four men went to the house of the victim. They were armed with AK47 machine guns and wore dark-green military uniforms with "South Sudan People's Defense Forces" (SSPDF) written on their badges. They asked the victim's uncle, in Arabic, to come outside, but the victim's uncle asked them why he should go out and what they wanted. Then, the men broke the door and hit the victim's uncle with the back of the gun. He fell down unconscious. The victim stated that when her uncle regained his consciousness, he was told to hold her granddaughter's leg while one of the armed men penetrated her digitally. She added that her

clothes were torn and removed by four men. When she tried to resist, one of them held her and pushed her down. She tried to scream but her mouth was tied with a cloth. She could not breathe properly. The armed man raped her in the presence of her uncle while the others were holding her legs open. The men raped her one after another for 30 minutes and then left.

It was also reported that criminal activities, especially high levels of conflicted-related sexual violence, persisted. During the current reporting period, this appears to still be the case.

- On 28 June 2019 at approximately 1:00 p.m. five men armed with AK47s and dressed in dark-green military uniforms stormed the victim's house and took her with them to their camp. When she arrived at the bush camp, their commander forced her to have sexual intercourse with him. When she tried to resist, the commander's bodyguards

intervened and held her legs open. After five days detained at the camp, the victim managed to escape with other four detainees.

Local monitors also reported the following incidents of abduction, arbitrary arrest and detention, torture, ill-treatment, and killing:

- On 22 July 2019 at around 10:00 a.m., the victim and his two brothers were travelling to Rupkuay from Tharjieth Village, Mayiendit County of Southern Liech State when they met five men, speaking Nuer language, armed with AK47 machine guns and in dark-green military uniforms with SSPDF written on their badges. The men hit the victim's elder brother four times with the back of the gun causing bleeding through his mouth and nose. His other brother tried to ask the armed men why they want to kill them, but the same soldier who hit his elder turned his younger brother and hit him three times with the same back of the gun. Both of the victim's brothers lost consciousness. After 20 minutes, they were released, and the victim ran to a nearby village to get some help. They came to the place of incident and took them to Rupkuay health center where his elder brother died in the same evening. The following morning the younger brother passed away.

- On 2 July 2019 at approximately 7:00 a.m, an unknown number of men armed with AK47s and in dark-green military uniforms stormed the house of a 66-year-old man and took his 22-year-old son. They beat him with big sticks; hit him with the back of the guns and dragged him into nearby bush where he was shot dead.

- On 6 June 2019 at approximately 3:00 p.m., seven men armed with AK47s and in dark-green military uniforms stormed the home of a 28-year-old victim, took him with them to the Thaker barrack and stated beating him with wooded poles and sticks. They kicked him with their gumboots and hit him several times with the back of their guns until he lost his teeth. The men hit the

victim's brother several times with the back of a gun while he was tied up, causing his leg to break. The victims were forced to drink their own urine and defecate on each other hands. About 40 minutes later they left the victim and his brother in the bush. The next morning, their neighbor came and untied them. They were taken to Tharjieth health center for treatment.

INCIDENTS

Wau State (Western Bahr el Ghazal)



In Western Bahr el-Ghazal, cattle-raiding and intercommunal conflict is still the primary source of insecurity. Clashes between the South Sudan United Front and the South Sudan People's Defence Forces disrupted parts of Northern Bahr el-Ghazal in August. The U.N. Secretary General reported that intercommunal violence was prominent in greater Bahr el-Ghazal, with 11 persons killed and houses destroyed.

Specifically, during the period covered by this Newsletter,

human rights monitors documented the following incidents in Wau State:

- On 3 August 2019, a man on duty at Mboro was shot while riding a motorcycle from greater Besselia by unknown gunmen. The man and a guard were both killed. The Executive Chief of Mboro was also shot in the leg. A civilian informed the Commissioner of Wau County who managed to carry the two dead bodies and the injured chief up to Wau teaching hospital. The Executive Chief was left at hospital and the two dead bodies were taken for burial. No action has been taken about this incident.
- On 1 May 2019, a victim travelling ahead of his colleagues fell into an ambush

by SPLA soldiers. The victim was beaten, tied and taken to the bush in Kayango village where there were 12 SPLA soldiers identified by their uniforms and AK47 machine guns. Two colleagues of the victim hid themselves near the site of the incident. The two colleagues ran back to Mboro after seeing what happened because they were afraid. They reported the incident to the victim's relatives, and then relatives followed up in Mboro and Wau. They have not received any information about the victim since that time. The victim's relatives in Wau held a funeral on 25 May 2019 at Hai Kosti. According to the victim's family, the victim left behind his wife and four girl children at POCAA.

INCIDENTS

Jubek and Yei River State (Central Equatoria)



Human rights violations do not appear to have decreased in recent months in the Jubek and Yei River State. Between June and July, there were reports of 88 humanitarian access incidents. During the period covered by this report, human rights monitors documented the following incidents in Jubek and Yei River State:

Local monitors reported incidents of arbitrary arrests and detentions, beatings, tortures, and killings:

- On 4 August 2019, SSPDF (SPLA-IG) soldiers attacked civilians at their houses and in other public facilities, like churches and schools, where individuals had taken shelter. In this incident, the soldiers shot

dead 13 civilians. This attack on the civilians led to the loss of lives, destruction of property, and looting of food items. The reporting party stated that the soldiers killed and physically harmed civilians, particularly if they were from the Bari ethnic tribe. The reporting party added that this attack led to the displacement of persons, who did not receive services, like shelter, medication, water, and food. Poor hygiene led to an outbreak of cholera. Thus, people continued to die after the attack because of the dire humanitarian conditions.

Human rights violations do not appear to have decreased in recent months in the Jubek and Yei River State.

Between June and July, there were reports of 88 humanitarian access incidents.

- On 27 July 2019 at Payawa village of greater Yei River County, a vehicle travelling to Ginjani market at Mugwo payam came under attack by a group of armed men dressed

in a military uniform. At 9:00 a.m., the vehicle was reported as burnt while several items were looted. Two men were killed, and the perpetrators cut off their penises. According to an eyewitness, the men ordered the victims to lay on the ground and keep their heads down. When the victims moved, the armed men beat them, kicked them, and took pictures with a camera. The witness added that the armed men ordered the victims to put the items that they had been carrying on their heads as the cameraman continued taking pictures. The armed men then took all of the victims' property and burnt the vehicle. They ordered the victims to run away and began randomly shooting at them. Two men, later identified as Ugandan, were found dead the next day by the SSPDF.

- On 12 July 2019, a 45-year-old eyewitness stated that SPLA-IG plus other organized forces such as National Security Services, police, wildlife, prison, and the fire brigade deployed along the roads of Juba town in different directions according to the five zones of Juba town. They used heavy machine guns which caused panic and great fear

among the people. Civilians were forced to evacuate from the area. According to the witness, one civilian, a local trader working as a boda boda rider, was shot dead.

- On 10 July 2019, an attack by SPLA-IG soldiers targeted civilians at roads, gathering places, and public events such as funerals and weddings. The targeted killings led to loss of lives and looting of property. Most of the targeted groups were youth and men. Those forced to flee were mostly women and children.
- On 1 July 2019 at Wudabie village of greater Yei River County, there was an incident of enforced disappearance. The son of the victim reported that unknown perpetrators called his father outside while he slept. They then asked him why he preached at the church that the actions of the National Salvation Forces were not good before God. The unidentified men took the victim, and no one knows his whereabouts.
- On 28 June 2019, a man was arrested at his house by the National Salvation Forces (NASF) in Karagwa. Three unarmed men came to his house in the morning and told him that they were arresting him because he came to Wudabi where the government forces (SSPDF) were based. They charged him with being

a collaborator providing critical information to the SSPDF. The victim's wife reported the incident to the local chief in Karagwa. The chief intervened immediately and asked those who arrested the victim why they did so. The men then turned against the chief for supporting the victim and collaborating with the SSPDF. The perpetrators ordered the chief to give them five goats for falsely supporting the victim. The chief refused, but they forcefully took the five goats and went away with the victim. Since then, the family of the victim does not know his whereabouts, and the three men are no longer in Karagwa village.

The targeted killings led to loss of lives and looting of property. Most of the targeted groups were youth and men. Those forced to flee were mostly women and children.

- On the night of 20 May 2019, four men armed with AK47 machine guns ordered the victim to sit on the floor. The four armed men spoke

Keliko, and the victim thus identified them as rebels of the National Salvation Front. The victim complied out of fear. The armed men told the victim not to cooperate with government forces at Wudabi Centre. The armed men beat him using sticks, kicked him, and hit his ribs and head using the back of the gun. As they were doing so, they told him to inform community members not to relocate close to where the SSPDF were based. If they did so, the armed men would come again to punish them severely. The victim was badly injured with wounds on his forehead and bleeding from his mouth and nose.

- On 15 May 2019, 15 soldiers dressed in the military uniform of the SPLA attacked a civilian shelter in Rokon Payam of Juba County in Central Equatoria State. Six people died and two were wounded. The witness also reported that a similar incident happened in CUBB land Lukiriri Payam of Juba where "spates of brutal sexual attacks" on women have been carried out, including the gang rape of five women in Lukiriri Payam by SSPDF forces. This case was not reported to the authorities, and the victims did not seek medical treatment because the perpetrators threatened them and told them not to disclose the incident.

INCIDENTS

Central Upper Nile State (Upper Nile State / Malakal area)



Based on reports from local monitors, during the reporting period, SPLA forces may have been responsible for several attacks on civilians. Civilians were displaced because of the widespread human rights violations potentially committed by SPLA forces and the resulting insecurity, which includes political disputes, intercommunal conflict, and violent crime.

Local monitors reported as follows:

- On 19 July 2019 at midnight night, the victim was arrested in sector 1 for allegedly stealing from his employer's store. He was later moved from the sector 1 Community Police center to another center in sector 3 where he was brutally beaten and died as a result. The next morning, several youth visited the police center. They did not speak with anyone, but those present believe they were there to ensure that everyone concerned with the victim's death, including the shop owner, had been arrested. Since then, a few people were released, including the shop

owner, but a total of 12 people remain in the custody of the UN Police.

Civilians were displaced because of the widespread human rights violations potentially committed by SPLA forces and the resulting insecurity, which includes political disputes, intercommunal conflict, and violent crime.

ANALYSIS

Multiple violations of international criminal law and human rights law have been committed by government forces, opposition forces, and other armed groups in South Sudan. All parties appear to be targeting civilians based

upon their perceived support of opposing parties. Often, perceived support appears to be assessed merely on the basis of the location of the civilians or their ethnic identity. There is a reasonable basis to believe that

the incidents constitute crimes against humanity and war crimes, including rape, torture, murder, inhumane treatment, and arbitrary arrest and detention.

RECOMMENDATIONS

- We call on the U.N. to increase resources for monitoring of human rights violations in all states of South Sudan. We recommend that the U.N. fund a holistic and robust data collection system to collect, analyze, and preserve information for later use. We also call for neighboring countries, most of who are Member States, to assist and carry out the arms embargo.

RECOMMENDATIONS *(continued)*

- We recommend that the U.N. Mission in South Sudan (UNMISS) increase resources to provide greater protection for South Sudanese citizens, especially those citizens living in camps, who are particularly vulnerable as they move outside the camps to collect firewood and water. Simple solutions such as moving in large groups or “community watch” systems should be considered.
- We call on UNMISS and other international partners to continue to support the implementation of transitional justice mechanisms, in accordance with best practices and standards, as set forth in Chapter V of the Revitalized Agreement, including the creation of the Hybrid Court for South Sudan (HCSS) that was envisaged to take forward accountability.
- We call on the African Union to engage and support the Government of South Sudan, on the basis of the Peace and Security Council Communiqué 547, to complete expeditiously the necessary steps for establishing the Hybrid Court and other processes.
- We call to halt the use of secrete detention in so-called ‘safe-houses’, the torture and ill treatment of detainees, and urgently address the conditions in all places of detention to ensure they comply with UN Standard Minimum Rates for the Treatment of Prisoners (Nelson Mandela Rules) (2015).

¹ This report includes some incidents that took place prior to these dates. These incidents are relevant but were not reported earlier due to challenges with reporting and connectivity.

² Report of the U.N. Secretary General, Situation in South Sudan, S/2019/722, 10 Sept. 2019, para. 2.

³ Report of the U.N. Secretary General, Situation in South Sudan, S/2019/722, supra note 2, para. 31.

⁴ Report of the U.N. Secretary General, Situation in South Sudan, S/2019/722, supra note 2, paras. 21-37, 58.

⁵ Ceasefire and Transitional Security Arrangements Monitoring Mechanism.

⁶ United Nations Human Rights Council, Fortieth session, 25 February – 22 March 2019, Agenda item 4, Report on the Commission on Human Rights in South Sudan, A/HRC/40/CRP.1, para. 454.

⁷ Report on the Commission on Human Rights in South Sudan, supra note 6, para. 453.

⁸ Report of the U.N. Secretary General, Situation in South Sudan, S/2019/722, supra note 2, paras. 33, 35-36.

⁹ Report of the U.N. Secretary General, Situation in South Sudan, S/2019/722, supra note 2, para. 29.

¹⁰ Report of the U.N. Secretary General, Situation in South Sudan, S/2019/722, supra note 2, para. 33.

¹¹ Report of the U.N. Secretary General, Situation in South Sudan, S/2019/722, supra note 2, paras. 42.

¹² Report on the Commission on Human Rights in South Sudan, supra note 6, para. 86. Report of the U.N. Secretary General, Situation in South Sudan, S/2019/722, supra note 2, paras. 23.